

Challenge to Constitutionality of a State Statute**Print**

This form must be completed by a party filing a petition, motion or other pleading **challenging the constitutionality of a state statute**. The completed form must be filed with the court in which the cause is pending as required by Section 402.010 (a-1), Texas Government Code.

Cause Number (For Clerk Use Only): 1:23-cv-858**Court** (For Clerk Use Only):

Styled: Book People, Inc., et al. v. Martha Wong, et al.

(e.g., John Smith v. All American Insurance Co.; in re Mary Ann Jones; In the Matter of the Estate of George Jackson)

Contact information for party* challenging the constitutionality of a state statute. (*If party is not a person, provide contact information for party, party's representative or attorney.)

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Person completing this form is: ☒ Attorney for Party ☐ Unrepresented Party ☐ Other:**Identify the type of pleading you have filed challenging the constitutionality of a state statute.**☒ Petition ☐ Answer ☐ Motion (Specify type):☐ Other:**Is the Attorney General of the State of Texas a party to or counsel in this cause?**☐ Yes ☒ No**List the state statute(s) being challenged in your pleading and provide a summary of the basis for your challenge. (Additional pages may be attached if necessary.)**

Plaintiffs Book People, Inc., VBK, Inc. d/b/a Blue Willow Bookshop, American Booksellers Association, Association of American Publishers, Authors Guild, Inc., and Comic Book Legal Defense Fund ("Plaintiffs") are challenging the constitutionality of H.B. 900 (the Restricting Explicit and Adult-Designated Educational Resources Act, codified as proposed Tex. Educ. Code §§ 33.021, 35.001-002, 35.0021, 35.003-008).

H.B. 900 is a recently enacted law that bans books deemed "sexually explicit" and restricts access to books deemed "sexually relevant" in public schools (the "Book Ban"). The Book Ban, which is scheduled to take effect on September 1, 2023, violates the First and Fourteenth Amendments to the U.S. Constitution because it is an overbroad and vague content-based law that targets protected speech and is not narrowly tailored to serve a compelling state interest. The Book Ban compels Plaintiffs to express the government's views, even if they do not agree, and operates as a prior restraint, two of the most egregious constitutional infringements.

Plaintiffs thus request that the Court issue preliminary and permanent injunctive relief under 42 U.S.C. § 1983 and block the enforcement of the patently unconstitutional law.